



David B. Cohen  
Mayor

## CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development  
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Public Hearing Date:	October 6, 2009
Land Use Action Date:	December 15, 2009
Board of Aldermen Action Date:	December 21, 2009
90-Day Expiration Date:	January 4, 2010

DATE: October 2, 2009

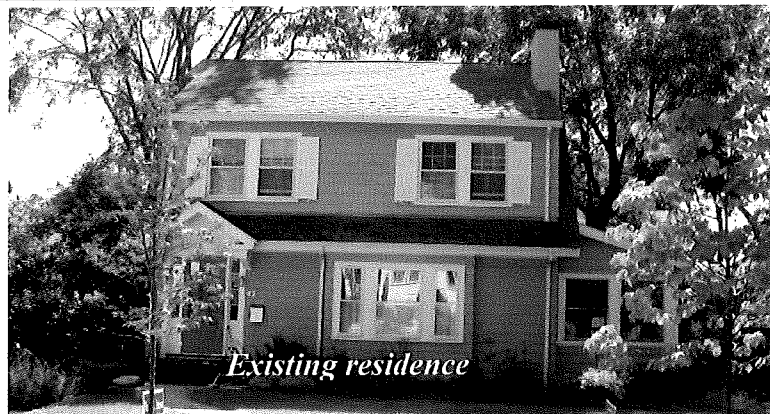
TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
Candace Havens, Chief Planner *CH*  
Benjamin Solomon-Schwartz, Senior Planner

SUBJECT: Petition # **245-09**, SEAN & CINDY ROCHE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of NONCONFORMING STRUCTURE to demolish an existing one-story sunroom and replace it with a two-story addition at 42 DANIEL STREET, Ward 6, NEWTON CENTRE, on land known as Sec 62, Blk 25, Lot 7, containing approx 5,330 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(a)(2)(b), 30-21(b), and 30-15 Table 1.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



1000 Commonwealth Avenue, Newton, Massachusetts 02459  
[www.newtonma.gov](http://www.newtonma.gov)

### **EXECUTIVE SUMMARY**

The petitioners are proposing to demolish an existing sunroom and replace it with a modest two-story addition to their single-family home. The existing residence is located on a 5,330 sq. ft. lot and is currently conforming with respect to Floor Area Ratio (FAR). The proposed addition will exceed the allowable FAR by approximately 249 sq. ft. The addition will increase the lot coverage from 34.6% to 37.2%, increasing the structure's nonconformity with respect to maximum lot coverage. The *2007 Newton Comprehensive Plan* encourages preservation of existing neighborhoods. The Planning Department believes that modestly-sized additions can help to preserve the character of existing neighborhoods while allowing occupants the flexibility to meet the housing needs of today's families. This petition addresses those needs by modifying an existing single-family home by replacing an existing sunroom with a modest two-story addition. Although the addition is in a different style from the existing house and its neighbors, the scale of the addition defers to the existing house. Should the Land Use Committee have concerns about the design of the structure, Planning Department, staff would recommend review by the Urban Design Commission prior to the Working Session.



***Front of residence and proposed addition***

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

When considering this request, the Board should consider whether the following findings apply:

- The increases in FAR are consistent with and not in derogation of the size, scale and design of other structures in the immediate neighborhood.
- The increased nonconformity in terms of lot coverage is not more detrimental than the existing structure.

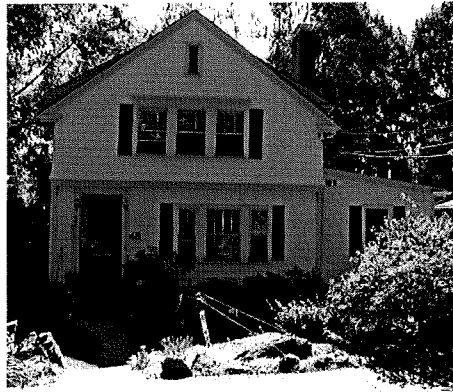
## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The property is located in Newton Centre several blocks north of Route 9. It is located within a Single Residence 3 District (*SEE ATTACHMENTS "A" AND "B"*) and the neighborhood is characterized by single-family detached residences. This neighborhood was originally subdivided for development of residences in the 1920s. All but one of the lots in the vicinity of this property are between 4,500 and 5,500 sq. ft. in area, which is significantly below the 7,000 sq. ft. minimum lot size for pre-1953 lots in SR3 districts. Many of the houses were built in the Colonial Revival style, as well as other early 20<sup>th</sup> century residential styles. The floor area ratios of these houses range between 0.27 and 0.43, with all but two houses between 0.30 and 0.35. (*SEE ATTACHMENT "C"*).



*41 Daniel (across from #42)*



*48 Daniel (adjacent to #42)*



*38 Daniel (adjacent to #42)*

### B. Site

The 5,330 sq. ft. site slopes down towards the rear and contains one single-family home. There is a large chestnut tree in the back yard.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

No changes to the use of the single-family residence are proposed.

### B. Building and Site Design

The existing house is a two-story Colonial Revival house with clapboard siding and has a detached one-car garage. The petitioners propose to demolish a first floor sunroom on the side of the house and construct a two-story contemporary addition with Hardi plank siding in vertical sheets. The first floor of the addition will include an office and a family room; the second floor will include a master bath (adding a second bathroom on the second floor), a study, and additional closet space. In

addition, the petitioners propose to make a minor alteration to the existing rear porch to add a shelf for a grill.

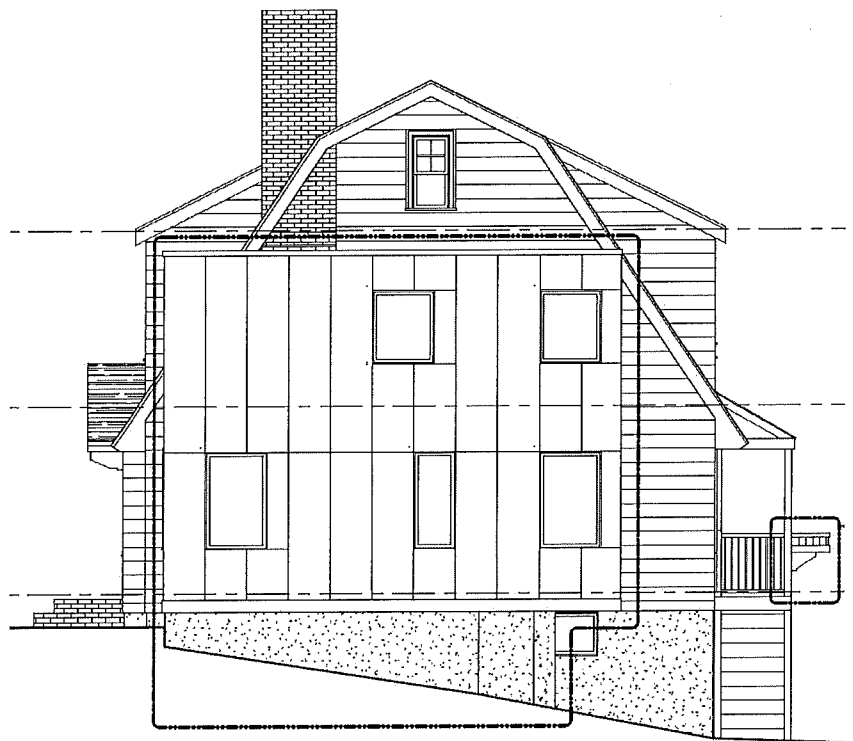
The footprint of the proposed addition is larger than the existing sunroom, raising the lot coverage from 34.6% to 37.2%. Although the footprint will increase, the renovations will preserve all but one room in the existing house. This layout allows for preservation of a mature chestnut tree in the rear.

The addition would increase the size of the house from 1,706 sq. ft. to 2,114 sq. ft., increasing the FAR from 0.32 to 0.396. The addition is in scale with the existing structure, deferring to it and to the neighboring houses in terms of size. The addition will be no taller than the existing house and will be shorter than the other structures in the neighborhood. The resulting house will be larger than all but two of the houses on the street. However, it will be smaller than a house with a by-right FAR on a lot that meets the minimum lots size (7,000 sq. ft.) in the SR3 zoning district.

Because the petitioners propose to increase the nonconformity of the structure with respect to maximum lot coverage, the additional FAR “bump” of .05, provided by the August 10, 2009 amendment to the City’s Zoning Ordinance (*Ordinance No.Z-51*), does not apply.

The proposed addition has a strikingly different style and materials than the existing house. The addition is a contemporary style with vertical panels opposing horizontal siding. This structure will be much simpler than the adjacent building, will have few ornamental details, and will

present a contrast to the early twentieth century style of the existing residence and the neighborhood. Colors and materials have not been identified and would help to better depict the final appearance of the building. If the Land Use Committee has concerns about its design in this context, Planning Department staff would recommend review by the Urban Design Commission prior to the Working Session.



*West elevation of proposed addition*

C. Landscape Screening

The petitioners have not proposed any additional landscape screening as part of the project. *The Planning Department recommends that the petitioners install additional landscaping alongside the addition to minimize the impact of the addition on the immediate abutter.*

IV. CITY'S COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* encourages preservation of existing neighborhoods. The Planning Department believes that modestly-sized additions can help to preserve the character of existing neighborhoods while allowing occupants the flexibility to meet the housing needs of today's families. This renovation will help ensure that the house will be usable for current and future residents. Although the addition is in a different style from the existing house and its neighbors, the scale of the addition defers to the existing house.

V. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated July 13, 2009 (*SEE ATTACHMENT "D"*), provides an analysis of the proposal with regard to Section 30-15 Table 3. A special permit is required for the construction of a new house that exceeds the allowable FAR included in Section 30-15, Table 1, and for an increase in nonconformity with respect to maximum lot coverage. Because the petition increases the nonconformity with respect to lot coverage, the "temporary" additional FAR relief, provided by the August 10, 2009 amendment to the City's Zoning Ordinance (*Ordinance No.Z-51*), is not available for this petition.
- B. Other Reviews
1. Engineering. Engineering review is not necessary for this addition to a single-family home because it will only add 138 sq. ft. of impervious area.
  2. Fire Department. Fire accessibility review is not required for the construction of a single-family home.
  3. Historic Preservation. The Newton Historical Commission determined that the existing house is not preferably preserved on July 23, 2009. Therefore, a demolition delay does not apply to this addition.

## VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, dated July 13, 2009 (*ATTACHMENT "C"*), the petitioners are seeking approval through or relief from:

- Section 30-15, Table 1, Footnote 5, to construct an addition to an existing house that exceeds the allowable FAR;
- Section 30-21 to increase the nonconformity of the structure with regard to maximum lot coverage;
- Section 30-23, for site plan approval; and
- Section 30-24, for approval of special permit.

## VII. SUMMARY OF PETITIONERS' RESPONSIBILITIES

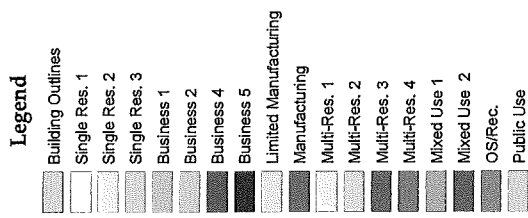
- The petitioner should provide additional information about colors and materials prior to the Working Session.

## ATTACHMENTS

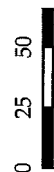
*ATTACHMENT A: Zoning Map*  
*ATTACHMENT B: Land Use Map*  
*ATTACHMENT C: Neighborhood Analysis*  
*ATTACHMENT D: Zoning Review Memorandum, dated July 13, 2009*

# Zoning Map

## 42 Daniel Street and Vicinity

City of Newton,  
Massachusetts

The information on this Geographic Information System cannot guarantee information. Each user of for determining its suitability. City department approve applications based



MAP DATE: Sept





# Land Use Map

## 42 Daniel Street and Vicinity

City of Newton,  
Massachusetts

### Legend

- Building Outlines
- Single Family Residential
- Two Family Residential
- Condominiums
- Other Residential
- Mixed Use
- Commercial
- Industrial
- Vacant Land
- Golf Course
- Open Space
- Private Educational
- Nonprofit Organizations
- Public Housing
- Tax Exempt
- Unspecified

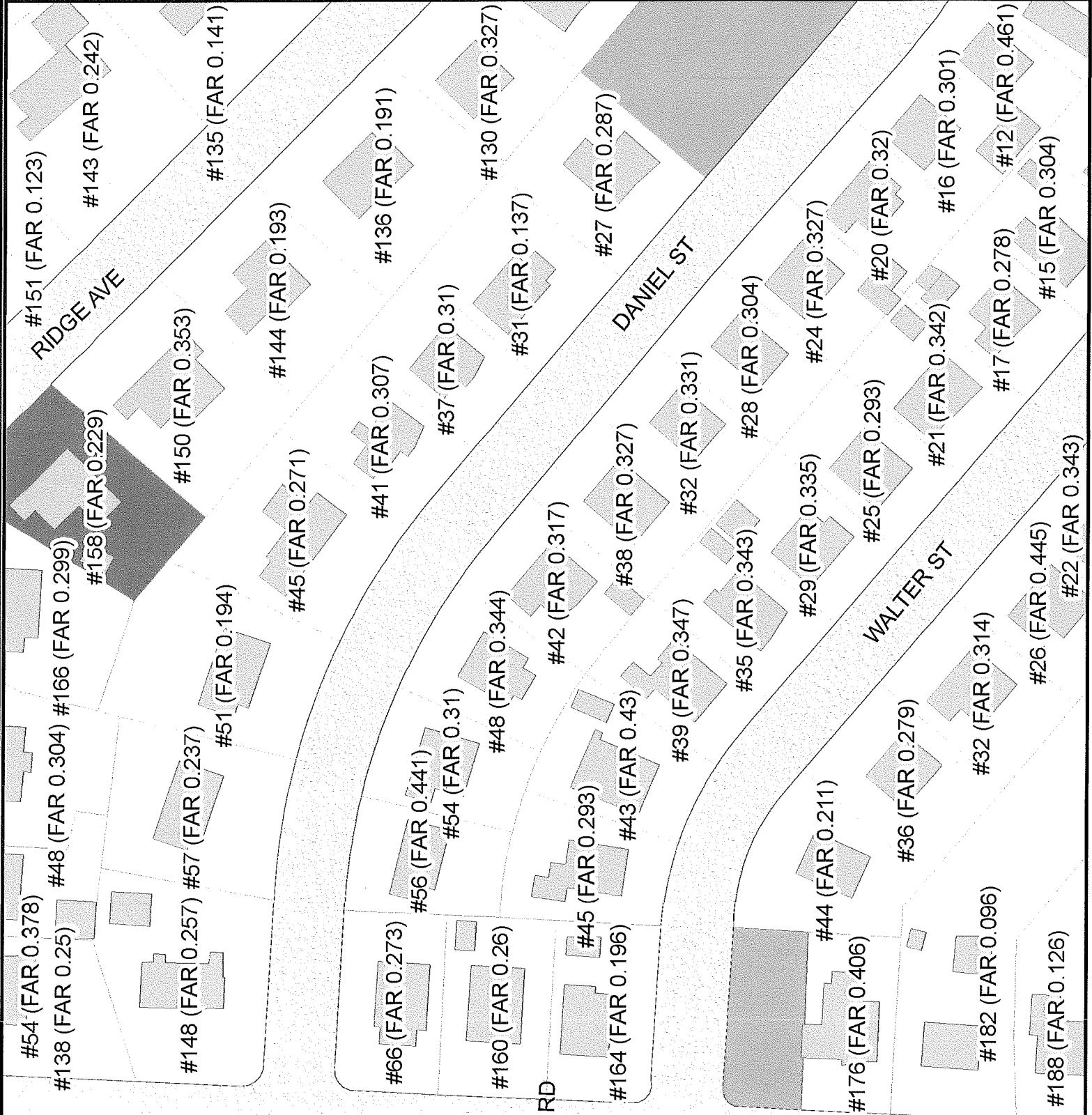
## ATTACHMENT B



The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of the map is responsible for determining its suitability for their intended purpose. City departments may not approve applications based on this map.



MAP DATE: Set





<i>Neighborhood Comparison Chart (Prepared by Planning Department)</i>									
42 Daniel Street and Vicinity									
Address	Approx. Yr. Built	Lot Size	# Units	Lot Area Per Unit	Approx. Sq. Ft.	Approx. Sq. Ft. Per Unit	Approx. FAR	Material	Style
32 Daniel St.	1925	4,500	1	4,500	1,324	1,491	0.331	Wood shingle	Old Style
37 Daniel St.	1929	4,950	1	4,950	1,536	1,536	0.31	Wood shingle	Colonial
38 Daniel St.	1931	5,400	1	5,400	1,764	1,764	0.327	Wood shingle	Old Style
41 Daniel St.	1920	5,189	1	5,189	1,594	1,594	0.307	Wood shingle	Colonial
<b>42 Daniel St.</b>	<b>1925</b>	<b>5,330</b>	<b>1</b>	<b>5,330</b>	<b>1,706</b>	<b>1,706</b>	<b>0.32</b>	<b>Wood shingle</b>	<b>Colonial</b>
45 Daniel St.	1925	8,180	1	8,180	2,213	2,213	0.271	Brick Veneer	Tudor
48 Daniel St.	1925	5,090	1	5,090	1,750	1,750	0.344	Wood shingle	Old Style
54 Daniel St.	1927	5,090	1	5,090	1,576	1,576	0.31	Vinyl siding	Colonial
29 Walter St.	1923	4,950	1	4,950	1,660	1,660	0.335	Wood shingle	Colonial
35 Walter St.	1926	4,950	1	4,950	1,700	1,700	0.343	Wood shingle	Cape Cod
39 Walter St.	1931	4,669	1	4,669	1,444	1,620	0.347	Wood shingle	Colonial
43 Walter St.	1925	5,355	1	5,355	2,302	2,302	0.43	Wood shingle	Cape Cod
<b>Average</b>	<b>1926</b>	<b>5,304</b>	<b>1</b>	<b>5,304</b>	<b>1,714</b>	<b>1,743</b>	<b>0.331</b>		
<b>42 Daniel Proposed</b>		<b>5,330</b>	<b>1</b>	<b>5,330</b>	<b>2,114</b>	<b>2,114</b>	<b>0.396</b>		

# Zoning Review Memorandum

Dt: July 13, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Chief Planner *SH*

Cc: Michael Kruse, Director, Department of Planning and Development  
Glen Daly, for Sean and Cindy Roche  
Ouida Young, Associate City Solicitor

RE: Request to allow an increase in FAR.

## **Applicant: Sean & Cindy Roche**

<b>Site:</b> 42 Daniel Street	<b>SBL:</b> Section 62, Block 25, Lot 7
<b>Zoning:</b> SR-3	<b>Lot Area:</b> 5,330 square feet
<b>Current use:</b> Single-family residence	<b>Proposed use:</b> Single-family residence

### **Background:**

The subject property consists of a 5,330 square-foot lot currently improved with a single-family residence. The applicants are proposing to demolish an existing one-story sunroom and replace it with a new two-story addition.

### **Administrative determinations:**

The property is in an SR-3 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

1.

SR-3 Zone	Required/Allowed	Existing	Proposed
Lot size	7,000 sq. ft.	5,330 sq. ft.	No change
Frontage	70 feet	64.04 feet	No change
Setbacks			
• Front	25 feet	28.4 feet	No change
• Side	7.5 feet	10.8 feet	7.75 feet
• Rear	15 feet	33 feet	No change
FAR	.35	.32	.39
Building Height	30 feet	26.8 feet	No change
Maximum Stories	2.5	2.5	No change
Max. Lot Coverage	30%	34.6%	37.2%
Min. Open Space	50%	65.4%	62.8%

2. The subject property is legally nonconforming with respect to Maximum Lot Coverage. The proposed addition will increase this nonconformity. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b), 30-21(b).

3. The proposed addition will exceed the maximum allowable Floor Area Ratio. The proponent must obtain a special permit from the Board of Aldermen under Section 30-15, Table 1, Footnote 5.
4. See "Zoning Relief Summary" below:

<i><b>Zoning Relief Summary</b></i>		
<i><b>Ordinance</b></i>	<i><b>Site</b></i>	<i><b>Action Required</b></i>
§30-21(a)(2)(b), 30-21(b)	Increase nonconformity with respect to lot coverage	SP per §30-24
§30-15, Table 1, Footnote 5	Exceed allowable FAR	SP per §30-24

Plans and materials reviewed:

- o "City of Newton Zoning Ordinance Summary, July 8, 2009"
- o "Plot Plan of Land in Newton, Mass. Prepared for Sean N.D. & Cindy Klein Roach," drawn by Schofield Brothers of New England Inc., dated May 26, 2009, neither signed nor stamped by a licensed professional
- o "PD 1.1 Proposed 1<sup>st</sup> Floor, Roche Residence 42 Daniel Street, Newton, MA 02459," drawn by Joseph Kennard Architects, Inc., dated 7/08/09, neither signed nor stamped by a licensed professional
- o "PD 1.2 Proposed 2<sup>nd</sup> Floor, Roche Residence 42 Daniel Street, Newton, MA 02459," drawn by Joseph Kennard Architects, Inc., dated 7/08/09, neither signed nor stamped by a licensed professional
- o "PD 2.0 Proposed North Elevation, Roche Residence 42 Daniel Street, Newton, MA 02459," drawn by Joseph Kennard Architects, Inc., dated 7/08/09, neither signed nor stamped by a licensed professional
- o "PD 2.2 Proposed South Elevation, Roche Residence 42 Daniel Street, Newton, MA 02459," drawn by Joseph Kennard Architects, Inc., dated 7/08/09, neither signed nor stamped by a licensed professional
- o "PD 2.1 Proposed West Elevation, Roche Residence 42 Daniel Street, Newton, MA 02459," drawn by Joseph Kennard Architects, Inc., dated 7/08/09, neither signed nor stamped by a licensed professional
- o "PD XP 3 Exterior Perspective 3, Roche Residence 42 Daniel Street, Newton, MA 02459," drawn by Joseph Kennard Architects, Inc., dated 6/17/09, neither signed nor stamped by a licensed professional